

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SYBILE LILLY,

Plaintiff,

vs.

CASE NO. CV-05-J-815-S

OCWEN FEDERAL BANK, FSB, et al.,

Defendants.

ORDER

Pending before the court are plaintiff's motion to remand (doc. 2), defendant Ocwen Federal Bank's motion to stay (doc. 4), defendant Ocwen Federal Bank's memorandum in opposition to plaintiff's motion to remand (doc. 5), plaintiff's response to defendant's motion to stay (doc. 10), plaintiff's reply to defendant's response (doc. 11) and plaintiff's statement of counsel in support of remand (doc. 12).

The court having considered all of the foregoing, finds that the plaintiff has represented that "the Plaintiff will not seek, argue for, or accept any judgment or sum of damages greater than \$75,000.00 (exclusive of interest and costs). The Plaintiff's claims have never involved damages, including attorneys' fees, in excess of this amount." Statement of Counsel (doc. 12). Based on this representation, the court

finds that it lacks jurisdiction pursuant to 28 U.S.C. § 1332 and is therefore of the opinion that the plaintiff's motion to remand is due to be granted.

It is therefore **ORDERED** by the court that said motion to remand be and hereby is **GRANTED**. This case is remanded to the Circuit Court of Shelby County. The court finds the defendant's motion to stay is **MOOT**. The hearing previously in this case is **CANCELED**.

DONE and **ORDERED** this the 31st day of May, 2005.



INGE PRYTZ JOHNSON
U.S. DISTRICT JUDGE